

REMARKS

The following remarks address all issues raised in the pending final office action. Claims 1-31 are pending. Claims 1-31 have been rejected under 35 U.S.C. 102 or 103 as being anticipated or rendered obvious by Ballard U.S. Patent No. 6,182,050 ("Ballard"). Applicant amends claims 1, 14 and 27 to include the subject matter of claims 15 and 17. Support for amendments to claims 1, 14 and 27 can be found at least in paragraph [0024] of the Specification. Additionally, Applicant amends claim 1 to include some of the subject matter of originally filed claim 3, which recited that information was gathered about a patient. Claim 3 is amended herein to bring that claim into agreement with newly amended claim 1. Similar amendments have been made to claims 14 and 27. No new matter is added. Applicant cancels claims 2, 5, 15, 17 and 18 without prejudice.

Rejection Made Under §§102 and 103

All claims 1-31 stand rejected under 35 U.S.C. 102 or 103 as being anticipated or rendered obvious by Ballard.

Ballard's system gathers a consumer's ranking of his or her own affinities for various categories of products and services. Using the affinities gathered, the system in Ballard matches a user affinity profile to advertisements with desired affinity rankings that are similar to the user affinity profile (Ballard, column 2, lines 11-33). In contrast, Applicant's systems, as described in applicant's amended independent claims 1, 14 and 27, gather medical information about a particular one patient entered using a patient diagnostic tool, such as a patient's medical history, to produce a set of content corresponding to said gathered information. Applicant submits that affinity data is not the same as medical information entered using the patient diagnostic tool. The difference between Ballard and applicant's system is analogous to the different methods used historically by DoubleClick and Google to direct targeted advertisements, where DoubleClick has historically used a user's affinity for products (similar to Ballard's system), and Google has historically used search terms entered using the search engine (similar to applicant's system). Thus, Ballard does not teach all the elements of amended independent claims 1, 14 and 27. Applicant respectfully requests the withdrawal of §102 rejections of independent claims 1, 14 and 27. As discussed during the

interview kindly granted by the examiner in this case, the original language of claim 1 recited that data was gathered about a "person". This may have been ambiguous and may have led to the impression that Applicant was referring to an affinity system. However, claim 3 as originally filed and now in part added to claim 1, stated that "person" meant patient and thus a close reading of the text makes clear that Applicant is talking about a search system, not an affinity system. Applicant believes that this amendment helps clarify the subject matter being claimed and provides a basis of a different understanding of the facts, thereby making more clear that Applicant's claimed system and method is a search system and not an affinity system.

Claims 3-4, 6-13, 16, 19-26, 28-31, depend directly or indirectly from claim 1, 14 or 27 and add further limitations thereto. Accordingly, for the same reasons discussed above, the §102 and §103 rejections of all claims are to be withdrawn. In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes a fee is due with this response. Please charge \$960.00 to our Deposit Account No. 18-1945, under Order No. SIMU-P01-003 from which the undersigned is authorized to draw.

Dated: March 30, 2009

Respectfully submitted,

By___/Edward J. Kelly/_____

Edward J. Kelly

Registration No.: 38,936

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant